

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:07CV413-R**

**EUGENIA NIXON, and husband,** )  
**THOMAS NIXON,** )  
 )  
**Plaintiffs,** )  
 )  
**v.** )  
 )  
**HEALTH SOUTH CORP., d/b/a** )  
**HEALTH SOUTH SURGERY CENTER,** )  
**Defendant.** )  
\_\_\_\_\_ )

**ORDER SETTING INITIAL  
PRETRIAL CONFERENCE**

**THIS MATTER** is before the Court to set and conduct an Initial Pretrial Conference pursuant to Local Rule 16.1(B).

Counsel should have already held an Initial Attorneys Conference pursuant to Local Rule 16.1(A). In any event, before the Initial Pretrial Conference counsel shall consider and discuss any special issues or problems which may arise (or have arisen) during discovery; whether a protective order is necessary and the contents of any such order; whether early settlement (of any or all claims) should be pursued; whether and when mediation should be conducted and, if they can agree, whom the Court should appoint as mediator; the likely length of trial, should this case not be settled; and any other special needs the litigation of these claims may present.

**NOW THEREFORE, IT IS ORDERED:**

1. The Initial Pretrial Conference shall be held in the chambers of the undersigned (Room 238, U.S. Courthouse, 401 West Trade Street, Charlotte, North Carolina), on **Tuesday, October 21, 2008, at 3:00 p.m.**
2. Counsel may, but are not required to bring the parties to the Initial Pretrial Conference.

3. The Clerk is directed to send copies of this Order to counsel for the parties.

**SO ORDERED.**

Signed: September 18, 2008

*Carl Horn, III*

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Carl Horn, III  
United States Magistrate Judge

